

Message Text

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SUBJECT: DISCUSSIONS WITH DEPARTMENT OF JUSTICE RE
URANIUM GRAND JURY

FOLLOWING IS TEXT OF APRIL 7TH BRIEFING MEMORANDUM (NUMBER
7806975) FROM L-MARKS TO E-COOPER.

1. THE JUSTICE DEPARTMENT URANIUM GRAND JURY EXPIRES MAY
12. INDICTMENTS WILL BE HANDED DOWN ON OR BEFORE THAT DATE.
(A NEW GRAND JURY COULD BE CONVENED, BUT THIS WOULD REQUIRE
THE REINTRODUCTION OF ALL EVIDENCE AND IS SOMETHING THAT
JUSTICE WANTS TO AVOID AT ALL COSTS.)

2. THE ANTITRUST DIVISION HAS AGREED TO NOTIFY THE GOVT
OF CANADA BEFORE THE INDICTMENTS ARE HANDED DOWN AND TO
GIVE THE GOC AN OPPORTUNITY FOR CONSULTATION. WE HAVE HAD
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SEVERAL MEETINGS WITH DOUG ROSENTHAL, CHIEF OF THE FOREIGN
COMMERCE SECTION OF THE ANTITRUST DIVISION, ABOUT THESE
CONSULTATIONS.

3. THE ANTITRUST DIVISION IS BEHIND AND RUNNING HARD TO
MEET THE MAY 12 DEADLINE. THERE IS ALSO A CONCERN THAT
IDENTIFYING THE INDICTEES BEFORE SHENEFIELD HAS FORWARDED

HIS RECOMMENDATIONS TO MIKE EGAN AND JUDGE BELL WILL

SOMEHOW INTERFERE WITH THE INTEGRITY OF THE PROSECUTORIAL REVIEW FUNCTION. (I FIND THIS UNPERSUASIVE, AS, I BELIEVE, DOES ROSENTHAL.)

4. ROSENTHAL PROPOSES THE FOLLOWING PROCEDURE:

A. ROSENTHAL IS BRIEFING L AND EB STAFF TODAY ON THE "GENERAL ELEMENTS" OF THE CASE, BUT WITHOUT REFERENCE TO POSSIBLE INDICTEES OR SPECIFIC FACTS. ON THE BASIS OF THIS BRIEFING, L AND EB SHOULD BE ABLE TO PREPARE AN ANALYSIS OF JUSTICE'S THEORIES -- FOCUSING ON IMPACT IN THE U.S. MARKET AND POSSIBLE COMPULSION BY GOC, ALTHOUGH JUSTICE WAS NOT VERY FORTHCOMING.

B. DURING THE WEEK OF APRIL 17, POSSIBLY ON THE 18TH OR 19TH, SHENEFIELD AND/OR ROSENTHAL WILL BRIEF JULES AND YOU. AS WITH THE EARLIER BRIEFING, THE ANTITRUST DIVISION WILL NOT TELL US WHO IT PLANS TO INDICT. MY GUESS IS THAT WE WILL BE ABLE TO TELL WHO THE TARGETS ARE EVEN IF WE ARE NOT INFORMED OFFICIALLY. IT'S NOT CLEAR WHETHER JUSTICE WILL GO FURTHER IN DEVELOPING THE FACTS WITH YOU AND JULES THAN THEY DID TODAY. IF THEY DO NOT, WE'LL HAVE TO CONSIDER WHETHER TO GO TO MIKE EGAN OR JUDGE BELL TO GET THE INFORMATION WE NEED.
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C. SHENEFIELD EXPECTS TO COMPLETE HIS REVIEW BY APRIL 25; HIS RECOMMENDATIONS WILL GO TO EGAN AND THE ATTORNEY GENERAL IMMEDIATELY THEREAFTER. WE WILL THEN BE FORMALLY NOTIFIED WHO JUSTICE PROPOSES TO INDICT.

D. BEGINNING ABOUT APRIL 28, JUSTICE WILL BEGIN CALLING IN THE TARGETS TO INFORM THEM OF THE INDICTMENT. WE WOULD SIMULTANEOUSLY NOTIFY THE CANADIAN AND AUSTRALIAN GOVERNMENTS. CONSULTATIONS WITH THESE GOVERNMENTS WOULD TAKE PLACE DURING THE WEEK OF MAY 1.

5. ROSENTHAL HAS TOLD LAWSON HUNTER (CANADIAN MINISTRY OF JUSTICE) THAT HE EXPECTS CONSULTATIONS WITH THE CANADIAN GOVERNMENTS TO COMMENCE DURING THE WEEK OF MAY 1. HUNTER IS UNHAPPY BECAUSE HE THINKS THIS LEAVES INSUFFICIENT TIME; HE HAS INDICATED THAT HE MAY ASK MINISTER BASFORD TO CALL JUDGE BELL.

6. FROM OUR POINT OF VIEW, THE PROCEDURE SEEMS TOLERABLE, IF NOT IDEAL, UNLESS THE TIMETABLE SLIPS. WE SHOULD HAVE A GOOD IDEA BY APRIL 19 WHAT JUSTICE IS UP TO. THAT

LEAVES TIME TO APPEAL TO JUDGE BELL IF WE HAVE SERIOUS
PROBLEMS. VANCE

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